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4 NORMAN CLANCY,
5 Plaintiff,

6 v.
7 JERRY MANCUSO, et al.,
8 Defendants.

9 Case No. 20-cv-05176-VKD
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**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED; VACATING NOVEMBER
3, 2020 INITIAL CASE MANAGEMENT
CONFERENCE**

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14 Plaintiff Norman Clancy filed this action on July 28, 2020. Dkt. No. 1. Pursuant to Rule
15 4(m) of the Federal Rules of Civil Procedure, Mr. Clancy's last day to complete service on
16 defendants or to file a motion for administrative relief from the service deadline was October 26,
17 2020. The docket does not indicate that Mr. Clancy has completed service or that defendants have
18 waived service of summons. No party has consented to magistrate judge jurisdiction. *See* Dkt.
19 Nos. 3, 4, 5.

20 "If a defendant is not served within 90 days after the complaint is filed, the court—on
21 motion or on its own after notice to the plaintiff—must dismiss the action without prejudice
22 against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).
23 The service deadline may be extended upon a showing of good cause. *Id.* In the present action,
24 the 90-day deadline for completing service has passed, and no showing of good cause has been
25 made to extend the deadline. No party filed a case management statement in advance of the
26 November 3, 2020 initial case management conference. Dkt. No. 2.

27 Accordingly, Mr. Clancy shall file a response to this order by **November 6, 2020** and show
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1 cause why this Court should not recommend that the action be dismissed without prejudice for
2 failure to timely complete service of process and for failure to prosecute.

3 The November 3, 2020 initial case management conference is hereby VACATED.

4 **IT IS SO ORDERED.**

5 Dated: October 30, 2020

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8 VIRGINIA K. DEMARCHI
9 United States Magistrate Judge

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United States District Court
Northern District of California